

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY POLLUTION PREVENTION

January 4, 2017

Amy L. van Saun Center for Food Safety 660 Pennsylvania Ave, SE Washington, DC 20003

Re: Freedom of Information Request EPA-HQ-2017-001753

Dear Ms. van Saun:

This letter is in response to your Freedom of Information Act (FOIA) request dated December 2, 2016 where you requested all documents and communications related to the following: (1) EPA's implementation or interpretation of the Treated Article Exemption, 40 C.F.R. §152.25(a), with regard to its application to crop seeds treated or coated with neonicotinoids since Jan. 1, 2003; (2) any determination that neonicotinoidcoated crop seeds are or are not subject to regulation as pesticides under the FIFRA since Jan. 1, 2003; (3) documents relating to any agency determination that neonicotinoid-coated crop seeds as a class or as a whole do or do not cause unreasonable adverse effects on the environment since Jan. 1, 2003; (4) pesticide registrant, applicant for registration, or potential applicant for registration, or with any other persons or entities regarding the application or scope of the Treated Article Exemption with respect to neonicotinoidcoated crop seeds since Jan. 1, 2003; (5) communication with any federal, state or tribal pesticide regulators regarding inspections or investigation of incidents involving treated seeds, particularly neonicotinoid treated seeds, and reported bee kills incidents that have occurred since Jan. 1, 2012; and (6) communications to or from the New York State Department of Environmental Conservation or any other New York State official, with respect to that state's regulation of the clothianidin seed coating product known as Poncho 600, including, but not limited to, possible Federal preemption related to New York's rejection of a proposed registration for Poncho 600 since Jan. 1, 2005

Please find enclosed incident reports for both clothianidin or thiamethoxam, Notice of Pesticide Registration for EPA Registration No. 264-984 and Letter from Bayer to EPA Re: Registration that was previously released to your Washington, DC office. In addition, we will send to you a list of incident reports numbers for the chemicals listed in your FOIA. Please select from that list, any full reports you wish to receive. Additional information is being searched and will be forwarded to you upon completion of the search and review for any applicable FOIA exemptions. We have made our initial contact with the Subject Matter Experts and will continue to obtain any requested information from them.

Your request is very broad in scope and will take a considerable amount of time to complete. As a result, we are not able to provide an expected completion date of your request at this time. If you wish to narrow the scope of your request, we can discuss with you a completion date for the information requested. The amount of time to complete the review and removal of FOIA exemptions will greatly exceed the 20 day response time period under EFOIA due to a limitation of resources to complete the request. We will work as quickly as possible to complete your request and we will keep you informed of the progress towards its completion.

You have been granted a fee waiver, as a result no fees will be charged for this request.

During the processing of your request, should you have any questions or need additional information, please contact me on 703-305-6434 or via email at smith.kimberly@epa.gov. Refer to FOIA Number EPA-HQ-2017-001753 when contacting the office about this request.

Sincerely,

Embely Sum Team Leader

Kimberly Smith

Public Information and Records Integrity Branch

Information Technology and Resources Management Division

Office of Pesticide Programs